

REMARKS

Claims 1-9 were examined. Claims 7-9 have been amended above. New dependent claim 10 has been added above. Claims 1-10 are presented for examination. Claim 1 is the sole independent claim.

Title

The title of the invention was objected to in the last Action. The suggested revised title has been adopted by the applicant.

Drawings

The drawings were objected to on various grounds. Applicant urges that the objections have been overcome in view of the following remarks and/or the amendments made above to the specification.

— Reference character 304 was objected to as referring to either a “light source” (e.g., page 11, line 20) or an “electric discharge bulb” (e.g., page 12, line 5). It is urged that no change is needed to either the specification or the drawings. An electric discharge bulb is one specific example of a light source. At page 11, lines 22-24, of the specification, the disclosure states: “In this embodiment, the light source 304 is composed of an electric discharge bulb.” In view of the quoted statement, it is not seen that element 304 is being used to designate two different parts or for a given part and a modification of such part. No confusion or uncertainty is created by the drawings or the specification with respect to element 304. This objection should be withdrawn.

— Reference character 434 was objected to as being used to designate “motor drive circuit” and “switching matrix circuit.” This situation was the result of a typographical error in the specification and has been corrected by revising the paragraph starting at page 21, line 24, as shown by the use of “435” in that paragraph. The error is regretted. This objection has been overcome.

— Reference character 428 was objected to as being used to designate “annular rotor magnet,” “magnet roller” and “magnet rotor.” This situation has been corrected by amending each occurrence of “magnet roller” and “magnet rotor” in the specification to “rotor magnet.” This objection has been overcome.

Thus, all the objections made concerning the drawings have been addressed above, and no drawing changes are deemed necessary. No new matter was added. These objections have been overcome.

Specification

Portions of the disclosure on pages 20 and 27 of the specification were objected to. Those portions have been revised as requested in the Office Action. The objection has been overcome. As noted above, other changes made above to the specification were made to overcome objections to the drawings.

Claims Rejections - 35 U.S.C. § 102

Claims 1-4 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Shibata et al. (U.S. 4,908,560). The rejection is respectfully traversed.

The Examiner appears to misunderstand the meaning of the claim term “abnormality judgment means.” As recited in claim 1, the “abnormality judgment means” is for “judging an abnormality of the rotation drive means according to a rotation range of the drive motor detected by the rotation range detection means when the rotation drive means is driven in a predetermined condition.”

New claim 10, dependent on claim 1, specifically calls for the “abnormality judgment means” to judge “if a malfunction of the rotation drive means has occurred.” Thus, clearly, claim 1 encompasses the detection of the occurrence of a malfunction of the rotation drive means. No new matter has been added.

The Shibata et al. patent discloses means for adjusting the angle of lamp means by operating a motor until a target angle, determined by the rotation of the steering wheel, is reached. (Figure 1, reference number 41) The Examiner has broadly interpreted "abnormality judgment means" to include this activity. (Page 5, Office Action). Although the structure disclosed in the Shibata et al. patent may prevent the angle of the lamp means from exceeding the target angle when all components function properly, there is no indication that it detects an abnormality when components function improperly. (See Shibata et al. patent, col. 3, lines 41-53) For example, the structure disclosed in the Shibata et al. patent may not detect if the motor is malfunctioning, if the gears are malfunctioning, or if the angle of the lamp means is beyond a maximum predetermined threshold.

Clearly, then, at least the indicated feature of claim 1 is not anticipated by Shibata et al. Since claims 2-4 depend from claim 1, they are not anticipated for at least the same reasons. The rejection has been overcome and should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 5 and 6-8 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shibata et al. (U.S. 4,908,560). The rejection is respectfully traversed.

The Office Action makes clear that at least certain specific features of dependent claims 5, 6, 7, 8 and 9 are not disclosed in Shibata et al. No other reference has been cited as disclosing those features, yet the claims have been rejected as allegedly being obvious. For example, the rejection asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made "to substitute the motor rotation sensor of Shibata et al. with a pulsed output sensor like a steering wheel rotation sensor. However, since the "pulsed output sensor" is admittedly not disclosed in Shibata et al., which is the sole reference being applied, it is not seen how the use of a pulsed output sensor would have been obvious to one of ordinary skill in the art at the time the claimed invention was made. Furthermore, these claims depend from claim 1 and, as has been shown above, there is no indication that Shibata et al. detects an abnormality when components function improperly, as is called for by the claims. It is urged, in view of

these deficiencies, that a prima facie case of obviousness has not been made out for the pending claims. The rejection is urged to be improper and should be withdrawn.

Claims 7-9 (Office Action, ¶12), which also depend from claim 1, were also rejected as allegedly failing to patentably distinguish over Shibata et al. The rejection seems to state that the claims allegedly add only an intended use of the structure, and that the functions would have been obvious. This is respectfully traversed. First, as has been noted previously, these claims depend from claim 1 and are therefore patentable for at least the same reasons as claim 1. Second, in order to clarify the claims, claims 7-9 have been amended to recite the structure which causes the head lamp to be deflected (claim 7), or which causes the head lamp to be directed forward (claim 8) or which causes the head lamp to emit light (claim 9). Again, it is urged that a prima facie case of obviousness has not been made out for these claims and that the rejection should be withdrawn.

New claim 10, referred to above, depends from claim 1 and is allowable for at least the same reasons as claim 1. It is urged that in view of the above remarks, none of the pending claims would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Shibata et al.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Takada et al.
Serial No. : 10/652,395
Filed : August 29, 2003
Page : 13 of 13

Attorney's Docket No.: 10973-103001 / K43-
157735M/KQK


Conclusion

Claims 1-10 are urged to be allowable and prompt issuance of a notice of allowance is appropriate.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/27/2005


Richard P. Ferrara
Reg. No. 30,632

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (212) 258-2291